

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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DERRICK HAMILTON,

Plaintiff,

-v-

9:11-CV-0348  
(DNH/DEP)

NEW YORK CITY MUNICIPAL and ANDREA B.  
EVANS, Chairwoman, New York State Parole  
Board,

Defendants.  
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APPEARANCES:

OF COUNSEL:

DERRICK HAMILTON  
93-A-5631  
Plaintiff, pro se  
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P.O. Box 618  
Auburn, NY 13021

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Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff brought this action pursuant to 42 U.S.C. § 1983. On January 10, 2012, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-

Recommendation, that defendant New York City's motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) be granted; that defendant Evans' motion for judgment on the pleadings pursuant to Rule 12(c) be granted; and that plaintiff's motion for a preliminary injunction be denied as moot. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

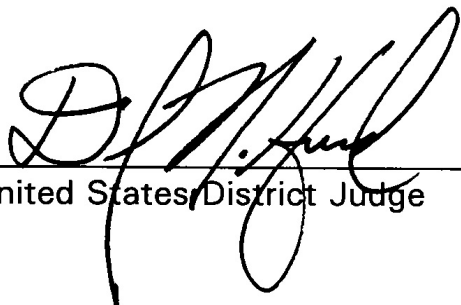
Therefore it is

ORDERED that

1. Defendant New York City Municipal's motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) is GRANTED;
2. Defendant Andrea B. Evans' motion for judgment on the pleadings pursuant to Rule 12(c) is GRANTED; and
3. Plaintiff Derrick Hamilton's motion for a preliminary injunction is DENIED as moot.

The Clerk is directed to enter judgment dismissing the complaint.

IT IS SO ORDERED.

  
United States District Judge

Dated: February 3, 2012  
Utica, New York.